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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,736	03/25/2004	James M. Hayes		8184
31083	7590	07/12/2007		
THOMTE LAW OFFICE, L.L.C. 2120 S. 72ND STREET, SUITE 1111 OMAHA, NE 68124			EXAMINER SINGH, RAMNANDAN P	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 07/12/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/809,736	HAYES ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ramnandan Singh	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 April 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-3, 8-20 and 23-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3, 8-20, 23-28 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on Apr 30, 2007 has been entered.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-3, 8-20, 23-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "A system for automatically classifying a list of

telephone numbers" and "(a) Initiate a first series of calls to telephone numbers---; (b) Play an audible message ...;(c) Identify whether or not ...; and (d) classify a telephone number...".

It is unclear whether the applicants are claiming "A system" or "A method". This makes the claim indefinite.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 8-9, 19-20, 25-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Brown et al [US 20030086541 A1].

Regarding claim 1, Brown et al disclose a system for automatically classifying a list of telephone numbers into one or more categories, as shown in Fig. 1, the system comprising:

- a processor (402) [Fig. 4];
- a data storage medium (401) for at least temporarily storing the list of telephone numbers [Fig. 4];
- means (403) for accessing a telephone network (102) [Fig. 4]; and
- software (i.e. computer program) [Para: 0032] operative on the processor (402) to:
  - a) Initiate a first series of calls to telephone numbers from the list of telephone numbers on a line within the telephone network [Fig. 1; Para: 0020-0021];
  - b) Play an audible message over the line that requests that a callee on the line terminate the call [Para: 0002; 0005; 0033];
  - c) Identify whether or not the call has been terminated after the audible message is played [Para: 0030-0033]; and
  - d) Classify a telephone number as having been live-answered if the call was terminated in response to the audible message [Para: 0021; 0026; 0028; 0033; Table 2] or classify a telephone number as not live-answered if

the call was not terminated in response to the audible message [Para: 0034-0035].

Regarding claim 8, Brown et al further disclose the system, wherein the software is further operative on the processor to identify special information tones (SIT) (203) on the line after initiating the calls [Figs. 3C, 5; Para: 0002; 0005; 0020; 0021; 0024; 0026; 0033; 0035].

Regarding claim 9, Brown et al further disclose the system, wherein the software is further operative on the processor to classify the telephone numbers as not live-answered when the special information tones are identified [Para: 0002; 0021; 0036].

Regarding claims 2-3, Brown et al further disclose the system, wherein the software is further operative on the processor to create a data file (i.e. record) comprising the telephone numbers and the identity of each of the telephone numbers as having been live-answered or not live-answered, and to generate reports based on the data file [Figs. 2A-4; Para: 0034-0037; Table 2]; Figs. 8-11; Para: 0044-0049].

Regarding claim 19, Brown et al further disclose the system, wherein the software is further operative on the processor (402) to at least temporarily store the audible sounds received over the line on the data storage medium (401) prior to identifying the audible sounds [Fig. 4; Para: 0032-0033].

Regarding claim 20, Brown et al further disclose the system, wherein the software is further operative on the processor to complete the call after receiving and storing the audible sounds but prior to identifying the audible sounds [Fig. 4; Para: 0033].

Regarding claim 25, Brown et al further disclose the system, wherein the software is further operative on the processor to identify special information tones (SIT) (203) on the line after initiating the calls [Figs. 3C, 5; Para: 0002; 0005; 0020; 0021; 0024; 0026; 0033; 0035].

Regarding claim 26, Brown et al further disclose the system, wherein

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the software is further operative on the processor to classify the telephone numbers as not live-answered when the special information tones are identified [Para: 0002; 0021; 0036].

### ***Claim Rejections - 35 USC § 103***

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 10-12, 15, 23-24, 27-28 are rejected under 35 U.S.C. 103(a) to as being unpatentable over Brown et al as applied to claim 2 above, and further in view of Chou [US 6,850,602 B1].

Regarding claim 10, Brown et al do not teach expressly initiating a second series of calls.

Chou teaches the system, as shown in Fig. 6, wherein the software (i.e. scheduler) is further operative on the processor to initiate calls to the not live-answered telephone numbers on a line within the telephone network and receive audible sounds on the line [Figs 1a, . 6; ; col.3, line 33 to col. 4, line 41; col. 5, lines 9-41; col. 6, lines 47-54].

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the teachings of Chou with Brown et al in order to complete the call classification by Brown et al when no response is detected or a response is detected but does not include a human [Chou: col. 2, lines 43-49].

Regarding claim 11, Chou further teaches the system, wherein the software is further operative on the processor to compare the audible sounds to one or more known audible sounds to sub-classify the not live-answered telephone numbers [Figs. 4-5; col. 8, line 62 to col. 9, line 67].

Regarding claim 12, Chou further teaches the system, wherein the known audible sounds are comprised of at least portions of spoken messages [Fig. 3c].

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Regarding claim 15, Chou further teaches the system, wherein the

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spoken messages are comprised of common corporate and answering system greetings (i.e. predefined expression) [Fig. 7b].

Regarding claims 23-24, Chou further teaches the system, wherein the software is further operative to the processor to classify the telephone numbers as live answered or not live-answered [Figs. 1g, 24, 67a-7b].

Regarding claim 27, Chou further teaches the system, wherein the software is further operative on the processor to compare the audible sounds to one or more known audible sounds to sub-classify the not live-answered telephone numbers [Fig. 6].

Regarding claim 28, Chou further teaches the system, wherein the

20 known audible sounds are comprised of at least portions of spoken messages [Fig. 4].

8. Claims 13-14, 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Brown et al and Chou as applied to claim 11 above, and further in view of Dans [US 6,195,417 b1].

Regarding claim 13, the combination of Brown et al and Chou does not teach expressly advising that a telephone number is disconnected.

Dans teaches that a system, wherein the spoken messages are comprised of separate messages advising that a telephone number is disconnected, has been changed, or is privacy blocked [Fig. 6; col. 14, lines 38-67].

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the teachings of Dans with Chou and Brown et al in order to update a caller with the status of lists of telephone numbers [dans; col. 1, line 59 to col. 2, line 13].

Regarding claim 14, Dans further teaches the system, wherein the spoken messages are comprised of separate messages advising that all

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circuits are busy or that an area code has changed [col. 14, lines 54-62; col. 15, lines 15-17].

Regarding claim 16, Dans further teaches the system, wherein the software is further operative on the processor to identify and classify a telephone number from which audible sounds are received that are not similar to the one or more known audible sounds [col. 14, lines 15-37].

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Regarding claim 17, Dans further teaches the system, wherein the software is further operative on the processor to create a data file comprising the not answered telephone numbers and a sub-classification for each of the not live-answered telephone numbers based on the one or more known audible sounds [col. 15, line 50 to col. 16, line 3].

Regarding claim 18, Dans further teaches the system, wherein the software is further operative on the processor to generate reports based on

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the data file [col. 16, lines 4-14].

***Response to Arguments***

9. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ma et al [US 7,006,487 B1] teaches a telecommunication apparatus having an interactive voice response (IVR) unit [Figs. 1-4; col. 1, lines 14-35; col. 2, line 53 to col. 3, line 5; Table 1; col. 4, lines 42-63; Table 10; col. 10, lines 1-22; col. 10, line 50 to col. 11, line 2; Abstract].

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramnandan Singh whose telephone number is (571) 272-7529. The examiner can normally be reached on M-TH (8:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ramnandan Singh  
Examiner  
Art Unit 2614

A handwritten signature in black ink, appearing to read "RNP/S", is positioned to the right of the typed name and title.